GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:86
ANSWERED ON:25.07.2003
SEPARATE ENQUIRY COMMISSION
RAGHUVANSH PRASAD SINGH;VILAS BABURAO MUTTEMWAR

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government are aware of the scandals involving some judges/judicial officers of High Courts/District Courts and Session Courts;

(b) if so, the details thereof;

(c) whether the Government have set up several committees to look into charges levelled against them;

(d) if so, the findings of the Committee;

(e) the action initiated against these judicial officers;

(f) whether the Government propose to constitute a separate Enquiry Commission to look into the chargeslevelled against each of them; and

(g) if so, by when?

Answer

MINISTER OF LAW AND JUSTICE AND COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY)

(a) to (g): A Statement is laid on the Table of the House.

Statement with regard to Lok Sabha Starred Question No.86 to be answered on 25.7.2003

(a) & (b) : Yes, Sir. Allegations of deviant behaviour involving acts of corruption and moral turpitude, against some judges of High Courts and some members of Judicial Service of the States have come to the notice of the Government.

(c), (d) & (e): The Chief Justice of a High Court has the competence to receive complaints against the conduct ofa Judge of his Court, and, when he receives any, he would look into it whether the allegations deserve to be closely looked into. In some recent cases, the Chief Justice of India set up inquiry committees under In-House procedure todeal with cases of deviant behaviour of Judges. As regards the members of Judicial Service of a State, the administrative control, under article 235 of the constitution of India, vests in the High Court of that State. Under the circumstances, the Government has no Constitutional competence to set up any Committee to look into allegations levelled against Judges of High Courts, and members of Judicial Service of a State.

(f) and (g): As the Judges Inquiry Act 1968 specifies the procedure to deal with misdemeanour of Judges ofSupreme Court/High Courts, the Government has no proposal to appoint any commission to enquire into the chargeslevelled against Judges of High Courts/members of Judicial Service of State. However, the Constitution (Ninety-EighthAmendment) Bill, 2003 proposes to vest the power of inquiry into cases of misconduct or such deviant behaviour of a Judge, other than those calling for his removal, in the National Judicial Commission. The Bill has already been introduced in the Parliament.